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7

8 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

9 In the Matter of the Application
10

11 **DAVID WINTERS HALL**

12 For Reinstatement as a Pharmacist in the
13 State of Arizona

Board Case No. 11-0018-PHR

**CONSENT AGREEMENT AND
ORDER FOR LICENSURE**

14 **CONSENT AGREEMENT**

15 As David Winters Hall ("Applicant") has made application to the Arizona State
16 Board of Pharmacy (the "Board") for licensure as a pharmacist and, consistent with the
17 public interest, statutory requirements and the responsibilities of the Board under A.R.S.
18 §§ 32-1901, *et. seq.*, the Board and Applicant enter into the following Recitals, Findings
19 of Fact, Conclusions of Law and Order ("Consent Agreement") for the issuance of
20 pharmacist license to Applicant.

21 1. Applicant has read and understands this Consent Agreement and has had
22 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
23 opportunity to discuss this Consent Agreement with an attorney.

24 2. By entering into this Consent Agreement, Applicant knowingly and
25 voluntarily relinquishes all right to any administrative hearing, as well as rights of
26

1 rehearing, review, reconsideration, appeal, judicial review or any other administrative
2 and/or judicial action, concerning the matters set forth herein.

3 3. Applicant affirmatively agrees that this Consent Agreement shall be
4 irrevocable.

5 4. Applicant acknowledges and agrees that, upon signing this Consent
6 Agreement and returning this document to the Board's Executive Director, he may not
7 revoke his acceptance of the Consent Agreement or make any modifications to the
8 document regardless of whether the Consent Agreement has been signed by the
9 Executive Director. Any modification to this original document is ineffective and void
10 unless mutually agreed by Applicant and the Board in writing.

11 5. Applicant understands that the Consent Agreement shall not become
12 effective unless and until adopted by the Board and signed by the Board's Executive
13 Director.

14 6. If a court of competent jurisdiction rules that any part of this Consent
15 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
16 shall remain in full force and effect.

17 7. Applicant understands that this Consent Agreement is a public record that
18 may be publicly disseminated as a formal action of the Board and may be reported as
19 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
20 Protection Data Bank.

21 8. Applicant understands that any violation of this Consent Agreement
22 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
23 1901.01(B)(20), -1927(A)(1).

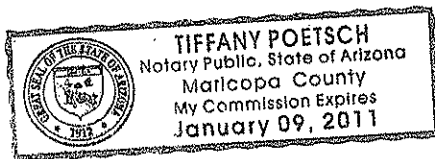
24 9. Applicant agrees that the Board will adopt the following Findings of Fact,
25 Conclusions of Law and Order.
26

1 ACCEPTED AND AGREED BY DAVID WINTERS HALL

2
3 David Winters Hall
4 David Winters Hall

Dated: 8/26/10

5 Subscribed and sworn to before me in the County of Maricopa, State of Arizona,
6 this 26 day of August, 2010, by David Winters Hall



9
10 Tiffany Poetsch
11 NOTARY PUBLIC

12 My Commission expires: January 09, 2011

13 **FINDINGS OF FACT**

14 1. The Board is the duly constituted authority for licensing and regulating
15 the practice of pharmacy in the State of Arizona.

16 2. Applicant was the holder of license number S013049 to practice as a
17 pharmacist in the State of Arizona.

18 3. On May 31, 2006, Applicant was convicted to two counts of forgery
19 (both class 4 felonies), one count of possession of narcotic drugs (a class 4 felony), and
20 one count of possession of dangerous drugs (a class 4 felony) in Yavapai County
21 Superior Court case number CR820060114.

22 4. Effective May 24, 2006, Applicant agreed to the revocation of his
23 Arizona pharmacist license based upon his plea of guilty to the crimes listed in paragraph
24 3 above. See Consent Agreement for Revocation in Board Case No. 06-0019-PHR.

25 5. On April 30, 2006, Applicant signed a five-year contract with
26 Pharmacists Assisting Pharmacists of Arizona ("PAPA"). Applicant has been compliant
with the PAPA program.

1 6. At the Board's July 2010 Board Meeting, Applicant requested that the
2 Board reinstate his license. In view of Applicant's multiple years of recovery, the
3 Arizona Board voted to reinstate Applicant's license subject to certain conditions.

4 **CONCLUSIONS OF LAW**

5 1. The Board possesses jurisdiction over the subject matter and over
6 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

7 2. Under A.R.S. § 32-1928(D), with or without conditions, the Board may
8 reinstate the license of any pharmacist or pharmacy intern that it has placed on probation
9 or whose license it has suspended or revoked.

10 **ORDER**

11 Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY
12 ORDERED AS FOLLOWS:

13 1. Applicant's license to engage in the practice of pharmacy will be reinstated
14 upon completion of the following:

15 a. Payment of all necessary fees.

16 2. Applicant's license is immediately placed on PROBATION until the
17 probation is terminated by the Board as provided in paragraph 9 below. During the term
18 of PROBATION, Applicant shall complete the following terms and conditions:

19 a. On April 30, 2006, Applicant signed a five-year contract with
20 PAPA. Applicant shall abide by each and every requirement of the PAPA
21 contract. Failure to abide by the PAPA contract's terms or to complete the full
22 term of the PAPA contract is a violation of this Order.

23 b. Respondent shall furnish all pharmacy employers with a copy of this
24 Consent Agreement. Respondent shall ensure that all pharmacy employers submit
25 to the Board within ten (10) days of entering into an employment relationship with
26

1 Respondent a written acknowledgement that they have received a copy of this
2 Consent Agreement.

3 c. Respondent shall advise the Board within ten (10) days of any
4 change in pharmacy employment status.

5 d. Respondent shall not serve as a preceptor pharmacist or pharmacist
6 in charge.

7 3. Throughout the term of Respondent's probation, Respondent shall
8 personally appear before the Board when requested to do so by the Board or Board staff.

9 4. Respondent shall furnish the Board with a list of all jurisdictions in which
10 he maintains or has maintained licensure as a pharmacist along with the registration
11 numbers of said licenses.

12 5. Respondent shall obey all federal and state laws and rules governing the
13 practice of pharmacy.

14 6. Respondent shall execute all appropriate release of information forms to
15 permit PAPA to communicate directly with the Board regarding Respondent's treatment.

16 7. If Applicant violates this order in any way or fails to fulfill the
17 requirements of this order, the Board, after giving the respondent notice and the
18 opportunity to be heard, may revoke, suspend or take other disciplinary actions against
19 the license. The issue at such a hearing will be limited solely to whether this order has
20 been violated.

21 8. Applicant shall pay all costs associated with complying with this Consent
22 Agreement, including any and all costs of participating in PAPA.

23 9. No sooner than April 30, 2011, Applicant shall request in writing that the
24 Board terminate his probation. Applicant's request for termination will be considered at
25 a regularly scheduled Board meeting. Applicant is required to personally appear at that
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1 Board meeting. Applicant's probationary period will continue until Applicant's request
2 for termination is received and the Board terminates the probation.

3
4 DATED this 15 day of Sept, 2009. 2010

6 ARIZONA STATE BOARD OF PHARMACY

7 (Seal)

8
9 By: 

HAL WAND, R.Ph.
Executive Director

11
12 ORIGINAL OF THE FORGOING FILED
13 this 16 day of Sept, 2009, with:
2010

14 Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

15 EXECUTED COPY OF THE FOREGOING MAILED
16 BY REGULAR MAIL

17 this 16 day of Sept, 2009, to:

18 David Winters Hall 2010
8502 E. Via De Los Libros
19 Scottsdale, Arizona 85258-3553

20 971153

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Paid \$325⁰⁰
CASH
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